

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM RIVERA,  
Plaintiff

v.

G. LITTLE, et al.,  
Defendants

: C.A. No. 2:22-cv-03902

: Magistrate Judge John M. Younger

: District Judge

: Jury Trial Demand

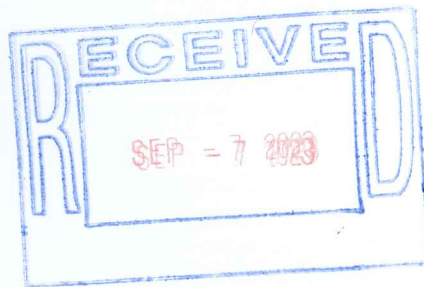
Motion to Request Permission For Certificate of Appealability.

And now comes Plaintiff, William Rivera, Pro-se, and hereby moves this Honorable Court to issue to Plaintiff a certificate of appealability and grant the Plaintiff permission to appeal the above captioned matter to the third (3<sup>rd</sup>) circuit court of appeals for further review.

Thus, for the reasons that are outlined in the accompanying brief in support to this motion, it is respectfully requested that this Honorable Court grant Plaintiff a Certificate of appealability in order for Plaintiff to seek further review of this matter by the 3<sup>rd</sup> circuit court of appeals.

Respectfully Requested,

William Rivera



9.3.2023

William Rivera

DP-4245

SCI Phoenix

1200 Mokychic Drive

Collegeville, PA 19426

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM RIVERA,  
Plaintiff

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: C.A. No. 2:22-cv-03902

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Brief in support to Motion to Request Permission For Certificate of Appealability.

And now comes Plaintiff, William Rivera, Pro-se, and in support to his motion to request permission for certificate of appealability to be issue, states as follows:

1. The Magistrate Judge continue to issue an "ERRONEOUS ORDER" to the Plaintiff case and states that the claims that the Plaintiff is advancing in this case are barred by collateral estoppel on what the Magistrate has blindly led to believe that the claims were previously litigated and addressed on the class action of Reid v. Welzel, No. 1:18-cv-00176, without the Magistrate Judge looking into the Plaintiff claims properly by conducting a proper and thorough review of the record, and know that the claims that the Plaintiff is advancing on this case have never been litigated and have never been addressed by the REID court, and that the Plaintiff is "ADVANCING HIS CLAIMS UNDER THE WILLIAMS V. SECRETARY Pa. Dep't of Corr., 848 F.3d 549; 2017 U.S. App. Lexis 2327; and Porter v. Pa. Dept. of Corr., 974 F.3d 431; 2020 U.S. App. Lexis 27775; 2020 WL 5200680" which have been made "CLEARLY ESTABLISHED LAW FOR THE STATE OF PENNSYLVANIA".
2. The Plaintiff respectfully filed a motion to Alter or Amend the Judgment on 8.10.23 with and accompanying Brief in support to the motion followed 8.13.23 that to date this Honorable Court has refused to address and correct.

Thus because the Plaintiffs attempts to have this Honorable Court review the Plaintiff claims correctly under the applicable case that the Plaintiff is advancing his claims, which has established CLEAR DICTUM AND MANDATORY ESTABLISHED LAW FOR THE STATE OF PENNSYLVANIA, with futile attempts as the District Court refuses to properly look into the Plaintiff claims under Williams 848 F.3d 549; 2017 U.S. App. Lexis 2327 (3d cir. court of appeals), it is respectfully requested that this Honorable Court grant the Plaintiff a certificate of appealability in order so that the Plaintiff can seek proper and adequate review by the 3<sup>rd</sup> circuit court of appeals, or in the alternative, that this Honorable Court Alter and Amend its Judgment and allow the Plaintiff case to advance and proceed to trial by Jury.

Respectfully Requested,

William Rivera  
William Rivera (#DN-4245)  
SCS Phoenix  
1200 Mokychic Drive  
Collegeville, PA. 19426

9.3.2023

### Certificate of Service

I, William Rivera, hereby certify that on this 3<sup>rd</sup> day of September, 2023, I mailed a true and correct copy of the foregoing documents titled: "Motion to Request Permission For Certificate of Appealability," and: "Brief in Support to Motion to Request Permission For Certificate of Appealability," via U.S. First Class mail to the below listed participant:

Office of the clerk  
U.S. District Court  
601 Market Street, Room # 2609  
Philadelphia, PA. 19106

By: William Rivera  
William Rivera (#DN-4295)  
501 Phoenix  
1200 Mokychic Drive  
Collegedale, PA. 19426

William Rivera (# DN-4295)  
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To: Office of the Clerk  
U.S. District Court  
601 Market Street, Room #2609  
Philadelphia, PA. 19106

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